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Dkt. 58075-Z/JPW/GJG/JR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ridwan Shabsigh  
U.S. Serial No.: 10/658,991 Examiner: Robert M. Kelly  
Filing Date : September 9, 2003 Group Art Unit: 1633  
For : USES OF VASCULAR ENDOTHELIAL GROWTH FACTOR  
IN THE TREATMENT OF ERECTILE DYSFUNCTION

30 Rockefeller Plaza, 20th Fl.  
New York, New York 10112  
June 3, 2009

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

COMMUNICATION IN RESPONSE TO MAY 5, 2009 NOTICE OF NON-  
COMPLIANT AMENDMENT (37 CFR 1.121)

This Communication is submitted in response to the Notice of Non-Compliant Amendment issued May 5, 2009 in connection with the above-identified application. A response to the May 5, 2009 Notice is due June 5, 2009. Accordingly, this Communication is being timely filed.

The May 5, 2009 Notice asserts that the Amendment filed April 10, 2009 (actually filed April 6, 2009) is considered non-compliant because each claim has not been provided with the proper status identifier. Specifically, the May 5, 2009 Notice asserts that claim 18 has an incorrect status identifier. A copy of the Notice is attached hereto as **Exhibit A**. In response, applicants attach hereto as **Exhibit B** a corrected listing of the claims. Accordingly, applicant maintains that the Amendment is now compliant.

Applicant: Ridwan Shabsigh  
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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Gary J. Gershik* 6/3/02  
Gary J. Gershik Date  
Reg. No. 39,992

*Gary J. Gershik*  
John P. White  
Registration No. 28,678  
Gary J. Gershik  
Registration No. 39,992  
Attorneys for Applicants  
Cooper & Dunham LLP  
30 Rockefeller Plaza, 20th Fl.  
New York, New York 10112  
(212) 278-0400

0010/08075.2

10/0506/01

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MAY 12 2009  
JFM

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No. 10/658,991	Applicant(s) SHABSIGH, RIDWAN
	Art Unit 1600

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 10 April, 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

## THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claim 18 has wrong status identifier.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

NON-COMPLIANT Amendment due 6-5-09  
2MD 7-5-09  
3MD 8-5-09  
4MD 9-5-09  
5MD 10-5-09  
6MD 11-5-09  
Report D.A 5-19-09

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted:
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /FLORENCE R. PATTERSON/ Telephone No: (571)272-0544

Applicant: Ridwan Shabsigh  
Serial No.: 10/658,991  
Filed: September 8, 2003  
Exhibit A




# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

e 05/05/2009

John P. White  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036

**Paper No.**

Application No.:	10/658,991	Date Mailed:	05/05/2009
			
First Named Inventor:	Shabsigh, Ridwan,	Examiner:	KELLY, ROBERT M
Attorney Docket No.:	0575/58075-Z/JPW/AJM/HA	Art Unit:	1633
Confirmation No.:	4213	Filing Date:	09/09/2003

**Please find attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**